

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

LEON WILSON, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-01502

C.O. TURNER, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff's Complaint. (ECF No. 2.) By Standing Order entered in this case on December 10, 2018, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley filed his PF&R on May 3, 2019, recommending that this Court dismiss Defendant South Central Regional Jail as a defendant in this action as it is not a suable entity under the 42 U.S.C. § 1983 and the Eleventh Amendment. (ECF No. 8.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general

and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

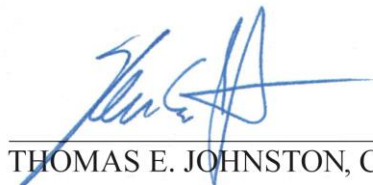
Objections to the PF&R are due on May 20, 2019. (ECF No. 8.) On May 10, 2019, Plaintiff filed one-page Objections in which he states that he is not suing South Central Regional Jail, only Defendant Correctional Officer Turner. (*See* ECF No. 9.) Plaintiff further requests that the Court give him time "to take the proper procedures" following his release from incarceration. (*See id.*)

As Plaintiff does not object to any specific finding in the PF&R and states that he does not wish to bring this action against South Central Regional Jail, the Court **ADOPTS** the PF&R, (ECF No. 8), **OVERRULES** the Objections, (ECF No. 9), and **DISMISSES** South Central Regional Jail as a defendant to this action. The Court further **RE-REFERS** this matter to Magistrate Judge Tinsley for further pretrial management and submission of PF&Rs.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 14, 2019



THOMAS E. JOHNSTON, CHIEF JUDGE